



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 18, 1998

Mr. David Newell
Assistant District Attorney
Fort Bend County
301 Jackson, Room 101
Richmond, Texas 77469

OR98-2750

Dear Mr. Newell:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 119601.

The District Attorney's Office in Fort Bend County received a request for "all documents relating to" the requestor. You seek to withhold the requested information under sections 552.103 and 552.108 of the Government Code.

Section 552.108(a)(1) excepts from required public disclosure

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime[.]

You indicate that the requested information relates to a pending criminal matter. You say that the prosecution of the case was dismissed in Fort Bend County for lack of venue, but that your office "along with the Fort Bend County Sheriff's Department is seeking to have the case refiled where venue is proper, Harris County." You advise that the statute of limitations time period has not yet run in this matter. Based on your representations, we conclude that you may withhold most of the requested information at this time under section 552.108(a)(1).

However, some of the material you submitted consists of copies of court records. This information is public in nature and must be released. *See e.g. Star-Telegram, Inc. v.*

Walker, 834 S.W.2d 54 (Tex. 1992). Also, the court in *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976), specifically made public the kind of information ordinarily found on the front page of an offense report. *See also* Gov't Code § 552.108(c) ("basic information" about an arrested person, an arrest or a crime not excepted from disclosure by section 552.108). Thus "front page," or "basic," information from the requested information must also be released. Subject to these provisos, you may withhold the requested information at this time under section 552.108(a)(1).

Since we have resolved your request under section 552.108(a)(1), we need not address your section 552.103 claim except to note that section 552.103 would not protect the court records, or -- without a special showing, which you have not made here -- the "basic information," which we have determined above you must release. *See e.g.* Open Records Decision No. 597 (1991).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref: ID# 119601

Enclosures: Submitted documents

cc: Mr. Lloyd G. Sanchez
12619 Highway 36
Wallis, Texas 77485-9525
(w/o enclosures)